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PATENT
Dkt. OKC00085

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Thomas L. Byers**
Application No.: **10/664,259**
Filed: **September 17, 2003**
For: **MODULAR ANIMAL ENCLOSURE**

Group No.: **3643**
Examiner: **A. Valenti**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)**

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed August 23, 2005, for a second time rejecting claims 1-9, 11-13, 15-21 and 25-30.

1. STATUS OF APPLICANT

This application is on behalf of a small entity. A statement was already filed on September 17, 2003.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Small entity	\$250.00
Notice of Appeal fee due	\$250.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:	
Notice of Appeal fee	\$250.00
TOTAL FEE DUE	\$250.00

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5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$250.00 to credit card as shown on the attached credit card information authorization form PTO-2038.

Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 06-0540. A duplicate of this transmittal is attached.

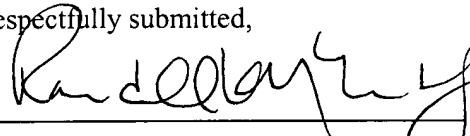
6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 06-0540.

Date: _____

11/23/05

Respectfully submitted,



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